

House File 758 - Introduced

HOUSE FILE _____
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 172)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to damages recoverable for the wrongful or
2 negligent injury or death of a person.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1737HV 83
5 rh/rj/5

PAG LIN

1 1 Section 1. Section 613.15, Code 2009, is amended by
1 2 striking the section and inserting in lieu thereof the
1 3 following:
1 4 613.15 INJURY TO OR DEATH OF SPOUSE OR PARENT.
1 5 A spouse or child of a person may recover for the expense
1 6 and actual loss of support, services, companionship, and
1 7 society resulting from injury to or death of the person.
1 8 Sec. 2. Section 633.336, Code 2009, is amended to read as
1 9 follows:
1 10 633.336 DAMAGES FOR WRONGFUL DEATH.
1 11 1. When a wrongful act produces death, damages recovered
1 12 as a result of the wrongful act may include damages for the
1 13 decedent's loss of enjoyment of life and shall be disposed of
1 14 as personal property belonging to the estate of the deceased;
1 15 however, if the damages include damages for loss of services
1 16 and support of a deceased spouse, parent, or child, the
1 17 damages shall be apportioned by the court among the surviving
1 18 spouse, children, and parents of the decedent in a manner as
1 19 the court may deem equitable consistent with the loss of
1 20 services and support sustained by the surviving spouse,
1 21 children, and parents respectively. Any recovery by a parent
1 22 for the death of a child shall be subordinate to the recovery,
1 23 if any, of the spouse or a child of the decedent. If the
1 24 decedent leaves a spouse, child, or parent, damages for
1 25 wrongful death shall not be subject to debts and charges of
1 26 the decedent's estate, except for amounts to be paid to the
1 27 department of human services for payments made for medical
1 28 assistance pursuant to chapter 249A, paid on behalf of the
1 29 decedent from the time of the injury which gives rise to the
1 30 decedent's death up until the date of the decedent's death.
1 31 2. For the purposes of this section, "loss of enjoyment of
1 32 life" is measured separate and apart from the economic
1 33 productive value the decedent would have had if the decedent
1 34 lived and such damages shall not be duplicative of damages
1 35 recoverable under sections 613.15 and 613.15A.

2 1 EXPLANATION
2 2 This bill relates to damages recoverable for the wrongful
2 3 or negligent injury or death of a person.
2 4 The bill provides that a spouse or child of a person may
2 5 recover for the expense and actual loss of support, services,
2 6 companionship, and society resulting from injury to or death
2 7 of the person.
2 8 The bill also provides that, in regard to Iowa's wrongful
2 9 death statute under Code section 633.336, damages recoverable
2 10 may include damages for a decedent's loss of enjoyment of
2 11 life, measured separate and apart from the economic productive
2 12 value the decedent would have had if the decedent lived and
2 13 such damage shall not be duplicative of damages recoverable in
2 14 an action for the injury or death of a spouse or parent and in
2 15 an action for injury or death of a child.
2 16 LSB 1737HV 83
2 17 rh/rj/5